

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CRAIG DOUGLAS ALLEN,

Plaintiff,

v.

CITRUS HEIGHTS POLICE DEPT., et al.,

Defendants.

No. 2:20-cv-1853-JAM-KJN PS

ORDER

(ECF No. 32, 33, 34.)

On October 22, 2021, the magistrate judge filed findings and recommendations (ECF No. 32), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. On October 28, plaintiff filed a “motion to vacate ruling,” (ECF No. 33), appearing to contest the magistrate judge’s decision to take defendant’s motion to dismiss under submission without a hearing. (See ECF No. 29, 30, 31.) On November 5, 2021, plaintiff filed substantive objections to the findings and recommendations (ECF No. 34), which have been considered by the court.

This court reviews de novo those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981); see also Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the matter on the applicable law.

1 See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's  
2 conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d  
3 452, 454 (9th Cir. 1983).

4 The court has reviewed the applicable legal standards and, good cause appearing,  
5 concludes that it is appropriate to adopt the findings and recommendations in full. Plaintiff is  
6 made aware that the court's disposition does not prevent him from lodging a claim in state court  
7 against Citrus Heights regarding the alleged failure to produce the 9/15/21 report, nor does it  
8 prevent him from bringing state-law claims against the private individuals and company.

9 Further, plaintiff's motion to vacate ruling (ECF No. 33) is denied. Under Local Rule  
10 230(c), a failure to file opposition by the deadline merely strips a party of their entitlement to a  
11 hearing, which is what the magistrate judge did here. However, even if plaintiff had filed  
12 opposition, the court presumes it would have read similarly to his objections to the findings and  
13 recommendations, which have been considered. See Local Rule 230(g). Simply, the magistrate  
14 judge's decision to vacate the hearing has not prejudiced plaintiff in any way.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The findings and recommendations (ECF No. 32) are ADOPTED IN FULL;
- 17 2. Defendant Citrus Heights motion to dismiss (ECF No. 29) is GRANTED;
- 18 3. Leave to amend is DENIED;
- 19 4. Plaintiff's claims against Citrus Heights under 42 U.S.C. Section 1983 and the Cal.  
20 Penal Code are DISMISSED WITH PREJUDICE;
- 21 5. The court DECLINES supplemental jurisdiction, per 28 U.S.C. Section 1367(c)(3), for  
22 the claim brought under Cal. Gov. Code Section 6250 alleging a failure to disclose the  
23 mid-September 2019 police reports;
- 24 6. All claims against the private defendants Reed, Jacobs, and Media Lab brought under  
25 Section 1983 and the criminal statutes (18 U.S.C. and Cal. Penal Code) are  
26 DISMISSED WITH PREJUDICE;
- 27 7. The court DECLINES supplemental jurisdiction, per 28 U.S.C. Section 1367(c)(3), for  
28 any state-law claims against defendants Reed, Jacobs, and Media Lab;

1 8. To the extent plaintiff's motion for discovery (ECF No. 17) is outstanding, it is

2 DENIED as moot; and

3 9. The Clerk of the court is directed to CLOSE this case.

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5 Dated: December 20, 2021

/s/ John A. Mendez

6 THE HONORABLE JOHN A. MENDEZ

7 UNITED STATES DISTRICT COURT JUDGE  
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